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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,622	08/19/2003	William D. Kelly	624229-031	7505
29391	7590	09/23/2005		
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			EXAMINER CRANE, DANIEL C	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/644,622

Applicant(s)

KELLY ET AL.

Examiner

Daniel C. Crane

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/20/03 & 2/3/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3725

### **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (3,109,333). See Figure 9 and column 2, lines 31-48, where wire indenters 23 and shroud indenters 24 are provided to crimp axially spaced portions of the wire connector (not shown). Each of the indenters is inserted in radially extending openings 22 so as to facilitate radial movement of the indenters into crimping engagement with the wire connector. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is *capable* of performing the intended use, then it meets the claim.

Art Unit: 3725

Claims 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (3,109,333) in view of Kusiv (2,714, 827). Anderson has been treated *supra*. In Anderson, linearly movable cam surfaces 31, 32 are used to radially move the indenters 23, 24. It is commonly known in the art to use a rotatable cam surface to radially move indenters as evidenced by Kusiv so as to simplify operation of the hand tool. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Anderson's cam drive system by using a rotatable cam drive system as taught by Kusiv so as to simplify the operation of the hand tool.

Claims 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (3,109,333) in view of either one of Owens (5,715,723) in view of Hornung (5,471,863). Anderson shows the use of handles for operating the tool. The use of a linear drive in conjunction with a rotatable cam to radially drive the indenters is known as taught by either one of the secondary teachings for the purpose of eliminating hand operation. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Anderson's simple hand tool by providing a drive to rotate the cam and radially drive the indenters as taught by the secondary teachings for the noted motivation would have been obvious to the skilled artisan. The use of pneumatic or hydraulic drives is considered obvious and dependent upon hardware availability, such selection being clearly within the level of skill of the artisan within this art.

Art Unit: 3725

Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (3,713,322). Fischer shows in Figure 2-3 where the first pair of indenter elements 20 and a second pair of indenters 25 are arranged substantially 90 degrees from one another. The oval is formed in Figure 3 and a "generally circular configuration" is shown to be produced in Figure 4. As to claim 9, the shape of the workpiece does not define the structure of the indenter since the indenter is not fixed. Accordingly, depending upon the structural nature of the indenter, Fischer's tool can shape both the wire exposed portion and insulation portion. See the above comments relating to intended use. The axial length of the indenters establishes a "second indenter section".

Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Demler (3,534,583). See Figure 9-11 where the connector is initially formed into an oval followed by a circular formation. Note the above comments relating to "intended use" of the tool when the tool has the capability of producing the claimed features. Further, see the above comments relating to the sizing of the tool as it relates to the workpiece.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (3,713,322) in view of Owens (5,715,723). See the above comments relating to Owens where Owens shows a fluid driven mechanism 30 for driving the cam through an arm 24. Such a provision within Fischer's simple hand tool would have been obvious to the skilled artisan so as to eliminate hand operation and increase the radial forces imparted to the workpiece by the device.

Art Unit: 3725

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (3,109,333) in view of Fischer (3,713,322). Anderson illustrates the claimed invention where a shroud indenter 24 is provided, thus, facilitating crimp of the shroud to the insulation of an elongated wire. Fischer shows the technique of first forming an oval followed by a ninety-degree final crimp to securely fasten the connector to the wire. It would have been obvious to the skilled artisan at the time of the invention to have modified Anderson's method by using the crimping technique taught by Fischer so as to produce a secure joint between the shroud of the connector and the insulation of the wire.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 15, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the

Art Unit: 3725

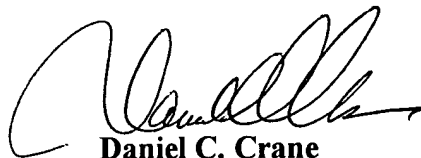
references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4416.

DCCrane  
September 16, 2005



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725